

Supporting Independent Police Oversight at BART (Motion for Oversight Independence)

Dear BART Board of Directors:

The Bay Area Rapid Transit (BART) Independent Police Auditor is submitting the *Motion for Oversight Independence* to the BART Board of Directors (Board) for a vote on September 26, 2024. This motion is necessary for improving the safety of all BART riders. The *Motion for Oversight Independence* provides true independence to BART's Office of the Independent Police Auditor (OIPA) consistent with the BART Civilian Oversight Model. Right now, BART's general manager can interfere with OIPA's operations, efficacy, and authority and he is allowed to make decisions about OIPA's budget allocation, spending, and staffing. This motion places budget and staffing control with the Independent Police Auditor. If the Board approves the motion, OIPA will get full control over its budget, removing the general manager and his direct reports from budgetary decisions and interference with the independence of OIPA.

Community trust and public safety for all riders is bolstered when OIPA independently investigates police misconduct allegations, reviews police department investigations, makes policy recommendations to improve the performance of the police department, reviews uses of force, and communicates regularly and reliably with the public. As a result of the increased police staffing and resources, which was more than \$8.5 million in addition to the regular allocated BART Police Department (BPD) budget in 2023, OIPA's police oversight work has increased, but without the necessary infusion of additional funding and human resources. That imbalance does not represent a commitment to robust oversight and accountability.

The *Motion for Oversight Independence* includes a provision that automatically allocates an amount equal to 1.5% of the BART Police Department (BPD) budget to OIPA, an increase from the current 1.07% that the general manager allocates to OIPA. This proposal would provide OIPA with the necessary resources to fulfill its mandate under the Civilian Oversight Model, and results in an additional \$720,000 annually to OIPA's budget. This increase is necessary to cover the cost of adding a deputy position at OIPA and ensuring that OIPA is adequately resourced to fulfill its mandate. OIPA is responsible for investigating, reporting publicly, and creating awareness so that riders can find OIPA if they have a question or concern about BART police officer activities.

Supporting OIPA's independence will increase police accountability and improve relationships between the police and all the communities that BART serves. In response to the killing of Oscar Grant by a BPD officer on New Year's Day in 2009, the BART Board took appropriate action in 2011 and created OIPA to be independent. The BART Civilian Oversight Model prohibits anyone from undermining the independence of OIPA. Passing this motion is an opportunity for the Board to invest in OIPA which provides objective and just oversight that values all BART riders.

An independent OIPA with an increased budget and appropriate staffing will continue to improve policing at BART, enhance external and internal accountability systems, and help to improve relationships between BART and the communities BART serves. For over ten years, OIPA has taken the issues of police accountability and community trust seriously. The general manager has not supported independent civilian oversight to the same degree that he has supported massive increases to police funding and activities. The *Motion for Oversight Independence* is key to maintaining robust and effective oversight of BPD. Passing this motion is needed to support OIPA's work and to ensure that BPD and its officers comply with internal policies and the law, and that the civil rights of all riders are protected.

Thank you for voting yes on the *Motion for Oversight Independence*.